

APPROVED 6/21/04

TOWN OF WESTFORD

PLANNING BOARD

MINUTES

DATE: June 7, 2004

TIME: 7:30 P.M.

PLACE: Westford Academy Choral Room

PRESENT: Michael Green, Peter Fletcher, Robert Shaffer, Fred Palmer

ABSENT: Andrea Peraner-Sweet

OTHERS

PRESENT: Tim Greenhill-Town Planner, James Arsenault-Town Engineer, Audience Members

OPEN FORUM

Rome Drive Extension – Shaffer recused himself as he is an abutting land-owner. Gary Berg, 14 Rome Drive and John Marderosian, 15 Rome Drive, were present seeking an update from the Board regarding the status of the Rome Drive Extension construction. Berg reported that it appears that progress on the road has stopped. Green advised Berg and Marderosian that because this matter is in litigation the Planning Board cannot discuss it in open session. Berg stated that the residents of Rome Drive have been waiting over nine months for some kind of response. Green reported that there have been correspondence and discussions between the parties and that the Town is asking for a resolution. Berg also reported that the Town of Tyngsborough went through a similar process with this developer and took over the road. Green asked Greenhill to provide an update from Town Counsel to the Board for the next meeting.

ANR – Groton and Gould Roads – Bob Waskiewicz

Greenhill outlined the ANR plan for a hammerhead lot which meets the frontage and acreage requirements. **It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to endorse.**

PUBLIC HEARING – CONTINUED – COOLIDGE AVENUE EXTENSION – DEFINITIVE PLAN MODIFICATION

Behind 10 Moore Street, Paul and Leah Lemieux, Continued from May 17, 2004

Attorney Douglas Deschenes was present for the applicant. Greenhill reported that revised plans have been received showing a berm at the end of Coolidge Avenue Extension. Rita Pomeroy, 6 Lucille Avenue, asked if the turnaround was still pulled back at 58 feet. Green explained the plans to Pomeroy.

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to close the public hearing.

The Board reviewed the conditions as outlined in a Staff Report dated June 7, 2004. Green amended Condition 22 as follows: **...Maintenance will include clearing of brush to provide sufficient access for emergency vehicles both in height and width. Maintenance will also include appropriate snow removal and placement to not interfere with drainage and abutting properties.**

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), that the Planning Board waive Section 218-13-A Request not to build road to Town standards as indicated in the subdivision plans dated June 1952.

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), that the Planning Board grant a modification to a subdivision plan for Paul and Leah Lemieux for the development of an uncompleted road behind 10 Moore Street, Assessor's Map 70, Parcel 121, with the following conditions outlined in a Staff Report dated June 7, 2004 as amended here this evening.

PUBLIC HEARING – XAVIER LANE (Formerly Dupee Lane) – DEFINITIVE SUBDIVISION – 3 LOTS – SPECIAL PERMIT – COMMON DRIVEWAY

178 Carlisle Road, CTZ Design Partnership, Continued from May 3, 2004

Attorney Douglas Deschenes and Bert Hamill, H-Star Engineering were present for the applicant. Greenhill reported that Staff received revised plans on June 1, 2004 which have been reviewed by the Town Engineer and the applicant. The applicant's engineer will be addressing comments as outlined in the Town Engineer's report dated June 2, 2004. Greenhill recommended that the Board conduct a site visit. Deschenes stated that the applicant has submitted a plan that shows that a 400 foot road can be built (measuring back from the cul-de-sac). Deschenes stated that a plan showing sight distances has also been

submitted. Hamill outlined the sight distance plan. Hamill stated that there is some brush that limits the sight distance coming from Carlisle that could be cleared however it is within a 50 ft. buffer zone which requires Conservation Commission approval. Deschenes stated that the waivers relative to the GIS data and mapping system have been withdrawn. Deschenes outlined the remaining three waiver requests. Deschenes pointed that the applicant is seeking a waiver of the full environmental impact report because of the filing with the Conservation Commission and the Commission's close scrutiny of the project. Hamill reported that the Fire Department has requested relocation of the fire cistern down to the intersection of Xavier and Carlisle Road for better access. Green questioned the access to the existing house off of the roadway versus Carlisle Road and suggested moving the driveway. Jim Zegowitz, CTZ Design, stated that the driveway cannot be turned ninety degrees because there is an existing barn foundation that they would like keep intact to maintain the historic nature of the house. A site visit was scheduled for Saturday, June 12, 2004 at 9:00 a.m. Continued to June 21, 2004 at 8:35 p.m.

ABBOTT MILL DISCUSSION – DISCUSSION ITEM

Chris Yule

Ted Carman and Chris Yule of Yule Development were present to discuss the road reconstruction to be done in conjunction with the bridge repair and replacement on Pleasant Street. Carman asked for the Board's input and/or coordination on the work that needs to be done. Carman reported that they initially brought this up to the State and they suggested that Carman approach the Board of Selectmen. Carman stated that they met with the Selectmen who suggested that Carman and Yule meet with the Planning Board. Carman stated that they would like the State Highway work to extend around to a new corner. Carman showed a conceptual plan. Carman stated that Yule will agree to extend it back and connect it into Bradford Street in an appropriate manner. Carman suggested that a kink in the roadway be removed so that the new curb has a complete appropriate curve to it. Carman stated that they are prepared to donate bricks to the State so that the sidewalk along Pleasant Street can be brick rather than concrete. Carman believed that there would be no extra cost to the State in the process of moving this forward. Shaffer stated that the State is already scheduled to do this work later this year. Shaffer asked if this work would be impeded by the mill construction. Yule stated that all of the work they are suggesting is good planning for the neighborhood and will not be impacted by the MCOB filing. Shaffer asked who will do the engineering on this. Arsenault stated that the State will only do what they have proposed so the design would have to be brought forward to the State during the pre-construction hearing phase. Yule stated that they will pay for the additional engineering costs. It was the consensus of the Board that the plans improve Bradford Street. Greenhill suggested asking for comments from Fire and Police to make sure that the roadway is adequate for emergency services. Shaffer asked that the abutters on Bradford Street that are impacted by these changes be allowed an opportunity to provide input. Yule reported that they have

met with the Forge Village Association and that they are in support of the changes. Green stated that the Planning Board is conceptually supportive of the plan, and it needs to work technically, it needs to be in coordination with the State and expense for engineering has been proposed to be paid by the applicant. Palmer wanted it to be clear that there will be no additional costs to the Town. Shaffer stated that ownership of the parcel of land on the corner of Bradford Street needs to be discussed with the Board of Selectmen but that the Planning Board has no objection to that. Greenhill will send a memo to the Board of Selectmen outlining this discussion.

WYMAN'S BEACH PRESENTATION – DISCUSSION ITEM

Attorney Douglas Deschenes was present for the applicant. Deschenes informally presented to the Board some ideas that the applicant has for the Wyman's Beach property. Deschenes stated that the property is under agreement to be purchased by Guthall, LLC. Deschenes distributed a handout to the Board. Deschenes showed a plan of the 147 acre property with lakefront on Long Sought for Pond. Deschenes stated that the property is currently utilized as a seasonal camping/tenting/trailer recreational facility as well as being used as a day beach. Deschenes stated that the site currently has a store, laundry facility, outdoor recreation area, athletic fields, etc. Deschenes proposed keeping the site as a seasonal/recreational facility on a more upscale basis. The applicants proposed eliminating the trailers, tents, and campers and develop permanent vacation cottages. The facility would become a gated type of facility, i.e., check in with security, verify ownership, etc. The open day beach usage would be eliminated. The parking for the facility would be limited. Testing is currently underway for a new public water supply for the facility. Testing is also underway for a new state-of-the-art sewage treatment plant with the current septic systems being eliminated. Deschenes pointed out the various wetland locations. Deschenes showed a plan of the existing disturbed areas which would be utilized for 285 new cottages (approximately 600-800 sq. ft., 1-story) in the southern portion of the site leaving a large parcel of the property undeveloped. Deschenes stated that applicant would be willing to talk to the Board about protecting that undeveloped land. Currently there are 213 campsites. Deschenes stated that the cottages would be seasonal and cannot be used as a residence. Deschenes noted that the water and sewage plant will be turned off in the fall. Deschenes felt that the proposed project would be a tax revenue generator without adding children to the school system. The roadway will be private. Deschenes also felt that the project would significantly lessen the traffic impact. Deschenes stated that the project will also have a store, a private restaurant, laundry facilities, and a clubhouse. Deschenes stated that the applicant is looking to alter a pre-existing nonconforming use and will be seeking a Special Permit from the Zoning Board of Appeals. Deschenes believed that this project will trigger site plan review by the Planning Board. David Guthrie, applicant, stated that they are also proposing a 12 ft. asphalt roadway with a 3 ft. stone shoulder. Deschenes stated that the applicant will not allow motorized boats, or any other gasoline

powered vehicles, on the lake. Palmer asked Deschenes to provide traffic data comparing this project with the current use. Deschenes indicated that they would be doing a traffic study this summer. Palmer was also concerned with the single access off Route 40. Green asked Deschenes to look at the length of the season given the overall density of the project. Fletcher asked if the State had some kind of regulations regarding residency. Green suggested that more discussion was needed in terms of zoning and principal use. Deschenes stated that they will be meeting with the neighbors of the Long Sought for Pond Association for their input. Green asked that Deschenes provide the Board with any pertinent information.

CHESTNUT HILL – DISCUSSION ITEM

Work Schedule Outline, Continued from May 17, 2004

Dan Linscott, Chestnut Hill Land Corporation, was present. Greenhill reported that Staff and members of the Planning Board met on site with the contractor and compiled a list of outstanding items to be completed within the subdivision as outlined in a memo dated May 26, 2004. Greenhill stated that since that meeting and the issuance of the May 26th memo the applicant has performed some of the work on the site (specifically curbing). Greenhill will provide written comments from the Highway Superintendent regarding outstanding concerns relative to the Form G. Arsenault stated that he will speak to the Highway Superintendent as soon as possible. Linscott stated that he will provide a written statement to the Board indicating that if they damage the curbing they will be responsible to fix it.

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to release the bond for the granite curbing on Swedes Crossing from Station 0+00 to Station 20+49, current bond amount is \$115,426.36, reducing that by \$48,581.92 contingent upon signatures from the necessary department heads and the developer's engineer.

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to release the bond on Tavern Circle from Station 0+00 to Station 8+87, current amount \$57,457.43, reducing that by \$33,125.28, contingent upon signatures from the necessary department heads and the developer's engineer.

Shaffer asked Arsenault to provide a punch list of outstanding items pursuant to his memo dated May 26, 2004. Continued to June 21, 2004.

**PUBLIC HEARING – WESTFORD TECH PARK WEST – SITE PLAN
REVIEW, SPECIAL PERMITS**

Concord/Powers Road, Westford West Realty Trust (Gutierrez), Continued from May 17, 2004

Continued to June 21, 2004 at 8:25 p.m. at the request of the applicant.

SUMMER SCHEDULE

The Board set the following schedule for the months of July and August:

Monday, July 12, 2004

Monday, August 2, 2004

Monday, August 23, 2004

DIRECTOR'S REPORT

Source Water Assessment Program (SWAP) from DEP dated May 10, 2004. Greenhill reported that there is now a website that can be accessed.

TIP Mailing List from NMCOG dated May 19, 2004. Greenhill reported that there are some items earmarked for Westford, i.e., Route 225/110, Pleasant Street Bridge, and Route 3 improvements.

Request form for encumbrance from Planning Department dated May 19, 2004. Greenhill reported that the request from the Master Plan Implementation Committee has been formally submitted to the Finance Department.

ZBA Keyes Corner decision dated May 28, 2004. For the Board's information.

Woodlands at Laurel Hill project eligibility application dated June 3, 2004. Greenhill reported that the Town has received a request from Mass Development for any comments. Greenhill asked the Board to provide comments to him as soon as possible. Greenhill reported that the Selectmen will be discussing this matter at their June 8th meeting.

OLD BUSINESS

Lawton Avenue Subdivision – Attorney Douglas Deschenes was present to get the Board's signature on the approved plans.

MAILBOX

Letter from Engineering dated May 21, 2004 regarding Route 40 Texaco Station. Arsenault will check to determine if a response from Texaco has been received.

Letter from C. Callahan dated May 21, 2004 regarding Chestnut Hills. Green asked Greenhill to provide a copy of the letter to OHC and Chestnut Hill Land Corp. Callahan's concerns will be addressed at the June 21st meeting.

Letter from Engineering dated May 25, 2004 regarding Lindsay Lane. Arsenault stated that the applicant is working at correcting the items.

Letter to Paul Alphen dated May 27, 2004 regarding Concord Road Sidewalk.
Letter to P. & D. Rendall dated May 27, 2004 regarding Concord Road Sidewalk. For the Board's information.

MINUTES

It was moved by Fletcher, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to approve the minutes of May 17, 2004.

ADJOURNMENT

It was moved by Palmer, seconded by Fletcher, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to adjourn the meeting.

Submitted by Beth A. Kinney, Recording Secretary